



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3355-98

15 December 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your naval record has been lost and was therefore unavailable to the Board. The available statement of service and other documentation you submitted shows that you served on active duty in the Navy from 16 October 1942 to 21 January 1946. Subsequently, you enlisted in the Naval Reserve on 30 September 1946, reported to active duty on 8 October 1946 and served on active duty until 8 July 1948. Your medical record was obtained and it shows that on 8 July 1948 you were found physically qualified for release from active duty on that date. The next entry in the medical record, dated 25 August 1951, shows that you were physically qualified for active duty for training. A copy of the medical record pages are enclosed for your information. The statement of service also shows that at the end of the anniversary year on 30 June 1949, you were credited with 49 reserve drills. You were credited with 15 membership points in the next two anniversary years. You were honorably discharged on 29 September 1951.

You reenlisted in the Naval Reserve on 9 May 1954 and served until you were honorably discharged on 8 May 1962. During this period you earned eight consecutive qualifying years for reserve

retirement. On 24 June 1970 you enlisted in the Air Force Reserve and then earned nine consecutive qualifying years. On 3 July 1979 you transferred to the retired reserve. On 25 March 1982 you became 60 years old and began drawing your retired pay.

On 19 April 1998 you applied to this Board contending that the statement of service on which your retired pay is based is erroneous because you were on active duty from September 1946 until September 1951. As indicated, the statement of service shows that you were only on active duty from 8 October 1946 until 8 July 1948, and were on inactive duty after that date. You state that you did not become aware of this error until the 1990's after discussions with other retired Navy personnel.

In support of your application you have submitted affidavits from yourself, three retired Naval Reserve officers, and three retired enlisted men. A retired commander states that he was the aircraft maintenance officer at Naval Air Station (NAS), St. Louis MO and he remembers you. He stated that he could not specify the exact date you began active duty, but you were on active duty when he left in June 1950. Another commander states that based upon his observation of the amount of time and regularity which you worked at the NAS he also assumed that you were on permanent active duty, and is sure that you were on full time active duty at NAS St. Louis while he was there from 1947 to 1951. A lieutenant commander states that he was a stationkeeper at NAS St. Louis from 1946 to 1957 and to the best of his recollection you were a stationkeeper from 1946 to 1951. Two retired chief petty officers and a petty officer first class stated that they were stationed at NAS St. Louis and that you were on active duty from 1946 to 1951.

In reaching its decision the Board noted that you have submitted two notices of separation, the predecessor form to the DD Form 214, which show release from active duty on 21 January 1946 and 8 July 1948. However, you have not submitted one showing a release from active duty in 1951. The Board carefully weighed the affidavits against the available documentation and concluded that the affidavits were insufficient to overcome the available documentation which shows that you were not on active duty in the Navy after 8 July 1948. In this regard, the medical record entries show that you were released from active duty on 8 July 1948 and there are no further entries until you were found physically qualified for active duty for training on 25 August 1951. The Board noted that if you reported for active duty for training in August 1951, you could not have been on extended active duty until September 1951 as you contend. In addition, the statements of service shows that you were credited with retirement points for drills in 1949, which would not have occurred if you were on active duty. The Board further believed that the statements of service which show your retirement points

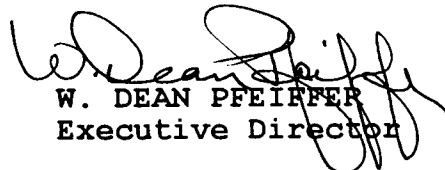
and years of qualifying service were apparently prepared based on the missing service record. Finally the Board noted that you would have been provided a statement of service for retirement purposes in connection with your retirement in 1979 but you did nothing to correct the record at that time.

This decision does not mean that the Board believed that your affidavit or the other affidavits are false but only that given the passage of almost 50 years, memories have faded. In this regard, the Board noted that the confusion may have occurred because you lived in St. Louis and may have been present at NAS St. Louis after July 1948 as a reservist who was not on active duty.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director

Enclosure